

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA, :
: :
Plaintiff, : **2:19-cr-009**
: **JUDGE SARGUS**
v. :
: :
MATTHEW R. MARTIN, :
: :
Defendant. :
:

ORDER

This matter is before the Court on the United States' Motion to Vacate the Final Order of Forfeiture (Doc. 34).

On January 19, 2021, this Court entered a Final Order of Forfeiture (Doc. 33) in this case forfeiting a Smith & Wesson M&P40 Shield, .40 caliber semi-automatic handgun, bearing Serial Number HLN9098, to the United States. It is the United States' policy to destroy forfeited firearms, however, the United States has learned that upon review of the ammunition test-fired from this firearm with the National Integrated Ballistic Information Network (NIBIN), law enforcement determined that the subject firearm is related to an investigation being conducted by the Columbus, Ohio Division of Police ("CPD"). The CPD has requested that this firearm be released to their custody where it will be held pending the completion of their investigation, and any related prosecution.

Upon consideration of the record in this case and the United States' motion, the Court grants the United States' motion and hereby vacates the Final Order of Forfeiture entered on January 19, 2021, at Document #: 33. The Court further orders the designated agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives to release the Smith & Wesson M&P40

Shield, .40 caliber semi-automatic handgun, bearing Serial Number HLN9098, to the CPD where it shall be held during the pendency of their investigation and any related prosecution. Upon completion of the investigation, and any prosecution, related to the Smith & Wesson M&P40 Shield, .40 caliber semi-automatic handgun, bearing Serial Number HLN9098, the CDP shall destroy the firearm in accordance with their policies and procedures.

ORDERED this 11th day of May, 2022.

s/Edmund A. Sargus, Jr.

HONORABLE EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

KENNETH L. PARKER
United States Attorney

s/Noah R. Litton

NOAH R. LITTON (0090479)
Assistant United States Attorney